

Regular Meeting of the Roswell City Council
Held in the Bassett Auditorium at the Roswell Museum and Arts Center
Thursday, February 9, 2017 at 6:01 p.m.

The meeting convened with Mayor Kintigh presiding and Councilors Sandoval, Henderson, Perry, Oropesa, Foster, Grant, Best, Sanchez and Denny being present and Councilor Mackey participating by telephone. Councilor Foster led in the Pledge of Allegiance and Councilor Best led in Prayer.

Notice of this meeting was given to the public in compliance with Sections 10-15-1 through 10-15-4 NMSA 1978 and Resolution 16-69.

Councilor Sanchez moved to approve the agenda for the February 9, 2017 City Council meeting to include moving Item 32 – the final direction on the concept for the water facility at the new recreation center, to be heard as item 6a before the Public Hearings, all other items to keep the same numbering and to approve the remaining agenda as presented. Councilor Sandoval was the second. A voice vote was 9-1 and the motion passed with Councilor Perry voting no and Councilor Mackey participating by telephone.

Councilor Sanchez expressed his concerns and discussed statistics on education and New Mexico rankings.

NON-ACTION ITEMS

Presentation – Outstanding Citizen Award. Councilor Denny presented Robert G. and Sara C. Armstrong with the Outstanding Citizen Award. The Armstrong's have been an asset to the community for many years. Mr. Armstrong has served as chair of the Chaves County Economic Development Corporation for the last two years. He has also been involved and instrumental in the following projects: Alien City Solar Farm, Spring River Apartments, Roswell Industrial Air Center Study and FilmRoswell.

Presentation – Roswell Police Department Cold Case. Chief Smith presented Detective Robert Scribner who helped with an investigation that led to the arrest of the suspect in a murder that occurred almost 13 years ago.

Presentation – 2016 Good Housekeeping Award for Ground Water Production Facility. Mr. Torrez presented the 2016 Good Housekeeping Award for Ground Water Production Facility to Jesus Talemantes, Roger Buckley and Rudy Quintana. The award given by the New Mexico Water and Waste Water Association goes to only one facility in the state each year.

Presentation – Community Health Care Committee. Dorothy Hellums, Chair of the Community Health Care Committee, discussed health care and stated that the medical community is vital to the economic well-being and growth of Roswell and Chaves County. Dave Southward, COO of Kymera, stated the challenges that they are facing with recruiting physicians. Dr. Vaillant discussed a training program that will help bring physicians to Roswell.

Presentation – Roswell Police Department staffing levels and recruitment. Chief Smith provided an update on efforts by the City and the Police Department to recruit applicants for the Roswell Police Department. The Police Department has made the following improvements to the hiring process:

- Speeding up application process by pursuing, assisting and contacting
- Expediting the conditional offer (conditional on applicant's further success in the process)
- Accommodate out-of-state applicants with conducting interviews and written examination while on location. Allow initial fitness test to be proctored by their local law enforcement fitness coordinator using NM standards.

- Waiver of written examination with Associates Degree or higher

PUBLIC PARTICIPATION ON AGENDA ITEMS

Participants are mentioned on each item.

REGULAR ITEM

Discuss and consider final direction on the concept for the water facility at the new recreation center. Ms. Stark-Rankins discussed concepts for the water facility. The first concept has six lanes, spectator space for 100 and large open outdoor swim area. The second concept has eight lanes, spectator space for 200 and large open outdoor swim area. The following participants discussed the water facility: Fred Moran, Richard James Garcia, Donald Daugherty and Gary Hartwick. Councilor Denny moved to table the consideration for final direction on the concept for the water facility at the new recreation center. Councilor Sanchez was the second. A voice vote was 4-6 and the motion failed with Councilors Sandoval, Henderson, Foster, Mackey, Grant and Best voting no and Councilor Mackey participating by telephone.

After discussion, Councilor Sandoval moved to direct staff to proceed with the concept of eight lanes, outdoor facility and spectator seating. Councilor Grant was the second. A roll call vote was as follows: Art Sandoval-yes, Steve Henderson-yes, Jason Perry-no, Juan Oropesa-no, Barry Foster-yes, Natasha Mackey-yes, Caleb Grant-yes, Jeanine Best-yes, Savino Sanchez-yes and Tabitha Denny-no. The roll call vote was 7-3 and the motion passed with Councilors Perry, Oropesa and Denny voting no and Councilor Mackey participating by telephone.

PUBLIC HEARINGS

Proposed Ordinance 17-01 – Body Art Safe Practices. Mr. Holloman presented Proposed Ordinance 17-01 – Body Art Safe Practices. The ordinance adds a new section to the Roswell City Code requiring city business licenses, state licensing and enforcement through Code Enforcement inspections.

IN FAVOR: Amy Ward & Virginia Munoz

OPPOSED: James Mason

Councilor Perry moved to approve Proposed Ordinance 17-01 – Body Art Safe Practices. Councilor Mackey was the second. A roll call vote was as follows: Art Sandoval-yes, Steve Henderson-yes, Jason Perry-yes, Juan Oropesa-no, Barry Foster-yes, Natasha Mackey-yes, Caleb Grant-yes, Jeanine Best-yes, Savino Sanchez-no and Tabitha Denny-yes. The roll call vote was 8-2 and the motion passed with Councilors Sanchez and Oropesa voting no and Councilor Mackey participating by telephone.

Proposed Ordinance 17-02 – Adopting a Municipal Gross Receipts Tax. Ms. Stark-Rankins discussed Proposed Ordinance 17-02 – Adopting a Municipal Gross Receipts Tax. A municipal gross receipts tax can be used for any municipal general purpose need. Due to the funding needs of the recreation center project, the focus of this funding stream would be to support the revenue bond, construction and operating costs of the new facility.

IN FAVOR: None

OPPOSED: None

Councilor Grant moved to approve Proposed Ordinance 17-02 – Adopting a Municipal Gross Receipts Tax as amended in the amount of 0.1250%. Councilor Sandoval was the second. A roll call vote was as follows: Art Sandoval-yes, Steve Henderson-no, Jason Perry-yes, Juan Oropesa-no, Barry Foster-yes, Natasha Mackey-yes, Caleb Grant-yes, Jeanine Best-yes, Savino Sanchez-yes and Tabitha Denny-yes. The roll call vote was 8-2 and the

motion passed with Councilors Henderson and Oropesa voting no and Councilor Mackey participating by telephone.

Proposed Ordinance 17-03 – Adopting a Municipal Infrastructure Gross Receipts Tax. Ms. Stark-Rankins discussed Proposed Ordinance 17-03 – Adopting a Municipal Infrastructure Gross Receipts Tax. An Infrastructure gross receipts tax can be used for “various types of infrastructure improvements, to repay obligation bonds, (or) to municipal general purposes...” Due to the funding needs of the recreation center project the focus of this funding stream would be to support the revenue bond, construction and operating costs of the new facility.

IN FAVOR: None

OPPOSED: None

Councilor Grant moved to approve Proposed Ordinance 17-03 – Adopting a Municipal Infrastructure Gross Receipts Tax as amended in the amount of 0.0625%. Councilor Foster was the second. A roll call vote was as follows: Art Sandoval-yes, Steve Henderson-no, Jason Perry-yes, Juan Oropesa-no, Barry Foster-yes, Natasha Mackey-yes, Caleb Grant-yes, Jeanine Best-yes, Savino Sanchez-yes and Tabitha Denny-yes. The roll call vote was 8-2 and the motion passed with Councilors Henderson and Oropesa voting no and Councilor Mackey participating by telephone.

Proposed Ordinance 17-04 – Adopting a Municipal Environmental Services Gross Receipts Tax. Ms. Stark-Rankins discussed Proposed Ordinance 17-04 – Adopting a Municipal Environmental Services Gross Receipts Tax. An environmental services gross receipts tax “must be dedicated to acquisition, construction, operation and maintenance of solid waste facilities, water facilities, sewer facilities and related facilities.”

IN FAVOR: None

OPPOSED: None

Councilor Grant moved to approve Proposed Ordinance 17-04 – Adopting a Municipal Environmental Services Gross Receipts Tax as amended in the amount of 0.0625%. Councilor Foster was the second. A roll call vote was as follows: Art Sandoval-yes, Steve Henderson-no, Jason Perry-yes, Juan Oropesa-no, Barry Foster-yes, Natasha Mackey-yes, Caleb Grant-yes, Jeanine Best-yes, Savino Sanchez-yes and Tabitha Denny-yes. The roll call vote was 8-2 and the motion passed with Councilors Henderson and Oropesa voting no and Councilor Mackey participating by telephone.

Appeal Hearing – 2421 N. Garden Avenue and 2423 N. Garden Avenue.

FOR THE RECORD: The City has come to an agreement with Ms. Hardcastle to allow her 30 days to make improvements that need to be done to the property.

CONSENT ITEMS

Bids & RFP'S

ITB-17-007 – Consider approval of award for ITB-17-007 (re-bid) for 300 gallon trash receptacles to Rotational Molding Inc. of Gardena, CA at \$219.10/unit. Sanitation Department is in need of replacing some of the 300 gallon trash receptacles. Funding is from current FY2017 budget from respective department.

RIAC Leases

Consider approval to authorize Kerry Hunter, an individual, to renew his current lease agreement on Building No. 117. Kerry Hunter leases the building for the purpose of vehicle storage and maintenance. The building is

4,736 square feet. New rent amount is \$474 monthly; \$5,688 annually. Rent adjustment is 3.72%. Kerry Hunter has been a customer since March 1993. Term: March 1, 2017 through February 28, 2018.

Consider approval to authorize Don and Angel Mayes, as individuals, to renew their current lease agreement on "T" Hangar Building No. 120, Space 2. Don and Angel Mayes leases the building for the purpose of aircraft storage and maintenance. The building is 1,002 square feet. New rent amount is \$178 monthly; \$2,136 annually. Rent adjustment is 2.89%. Don and Angel Mayes have been customers since February 2010. Term: March 1, 2017 through February 28, 2018.

Consider approval to authorize Avis Rent A Car System, LLC, a Delaware Corporation, to renew their current lease agreement on counter and office space in the Terminal Building and 10 parking slots on the east side of the Terminal Building. Avis Rent A Car System, LLC, leases the counter and office space, and 10 parking slots for the purpose of operating a car rental agency. Counter space is 109 square feet, office space is 256 square feet, 10 parking slots and area of land is 4,085 square feet. New rent amount is \$2,212 monthly; \$26,544 annually. Rent adjustment is 2.69%. Avis Rent A Car System, LLC has been a customer since July 2001. Term: February 1, 2017 through January 31, 2021.

Consider approval to authorize EAN Holdings, LLC, a Delaware Corporation, dba Enterprise Rent A Car, to renew their current lease agreement on counter and office space in the Terminal Building and 10 parking slots on the east side of the Terminal Building. EAN Holdings, LLC, leases the counter and office space, and 10 parking slots for the purpose of operating a car rental agency. Counter space is 930 square feet and 10 parking slots. New rent amount is \$1,809 monthly; \$21,708 annually. EAN Holdings, LLC, has been a customer since May 2012. Term: February 1, 2017 through January 31, 2021.

Consider approval to authorize Jon E. Hitchcock, Robert B. Corn, James Patterson, Siavash Karimian, Brandon Arnold and John Berry, as individuals, to amend their current lease agreement on portions of Hangar No. 91, Space A and B, to allow Larry Marker, an individual, to be added to the lease and add an option renewal clause in the lease.

Resolution 17-06 – Weeds – The cleanup of approximately twenty-three (23) separate properties within the City.

Resolution 17-07 – Condemnations – The removal or demolition of approximately three (3) dilapidated structures within the City.

Lodgers' Tax Request

Consider request for funding of Lodgers' Tax for the Jesse Andrus & Mike Hillman Memorial Pro Rodeo in the amount of \$5,000 of eligible expenses at 50% on a reimbursement basis. The dates of the event are May 21-22, 2017.

Consider request for funding of Lodgers' Tax for the 33rd Annual Milkman Triathlon in the amount of \$1,500. The date of the event is June 3, 2017.

Consider request for funding of Lodgers' Tax for the 7th Annual Tour de Ocho Millas in the amount of \$2,000. The date of the event is September 9, 2017.

Consider request for funding of Lodgers' Tax for the Roswell Film Festival in the amount of \$14,875. The dates of the event are April 26-30, 2017.

Consider request for funding of Lodgers' Tax for the 2017 Roswell Hike It & Spike It 4-on-4 Charity Flag Football Tournament in the amount of \$24,999 on a reimbursement basis at 50% of eligible expenses, with an additional allocation of up to \$9,000 for Fire & Police salaries. The dates of the event are May 26-28, 2017.

Minutes – Consider approval of the minutes from the January 12, 2017 regular City Council meeting and the January 24, 2017 Special City Council meeting.

NEW BUSINESS/ REGULAR ITEMS

Resolution 17-03 – FilmRoswell Support. Ms. Jennings presented Resolution 17-03 – FilmRoswell Support. FilmRoswell is a newly created board that supports the filming industry efforts in the City of Roswell. The resolution appoints the Director of Public Affairs as the liaison to the board as well as the state. This helps to streamline the efforts of the board as well as funnel funds appropriately from the state as they are allocated for filming purposes. Mayor Kintigh voiced his concerns and disagreement of Resolution 17-03. Councilor Denny moved to approve Resolution 17-03 – FilmRoswell Support. Councilor Sandoval was the second. A voice vote was unanimous and the motion passed with Councilor Mackey participating by telephone.

Resolution 17-05 and Application. Ms. Stark-Rankins gave a presentation on Resolution 17-05. The project to expand and update the existing Convention and Civic Center includes:

- Adding functional meeting rooms
- Reworking main entrance and lobby
- Replacing existing roof
- Removing existing meeting rooms

Eric Harrigan from RBC Capital Markets discussed the financials of the project. Councilor Grant moved to approve Resolution 17-05 the NMFA Application, Adoption for Convention Center Improvements Project Funding. Councilor Denny was the second. A voice vote was 9-1 with Councilor Mackey voting no and participating by telephone.

Resolution 17-08 – Del Norte Park Donation. Mr. Najar discussed Resolution 17-08 – Del Norte Park Donation. The Roswell Independent School District (RISD) is in need of Del Norte Park to build a new Del Norte Elementary School. The proposed donation agreement requires RISD to allow access to the public during non-school hours. This is to include playground equipment and amenities to be similar to current Del Norte Park usage. Matt Rogers, Construction Manager for RISD spoke in favor of Resolution 17-08. Councilor Best moved to approve Resolution 17-08 – Del Norte Park Donation. Councilor Denny was the second. Councilor Perry requested a friendly amendment to Resolution 17-08, fourth whereas, third sentence, to include “walking path” after the word basketball and requested the agreement be amended using the same language. Mr. Rogers agreed to the amendment. A voice vote was unanimous and the motion passed with Councilor Mackey participating by telephone.

Resolution 17-09 – FY2016-2017 Mid-Year Budget. Ms. Stark-Rankins discussed Resolution 17-09 – FY2016-2017 Mid-Year Budget. The formulation of the mid-year budget is a requirement of the State of New Mexico Department of Finance and Administration. Councilor Grant moved to approve Resolution 17-09 – FY2016-2017 Mid-Year Budget. Councilor Denny was the second. A voice vote was unanimous and the motion passed with Councilor Mackey participating by telephone.

Proposed Ordinance 17-05 – LEDA Funding Proposed Project Participation Agreement. Mr. Holloman gave a presentation on Proposed Ordinance 17-05 – LEDA Funding Proposed Project Participation Agreement. Dean Baldwin Painting, LP is an aircraft painting company that leases property from the City of Roswell to conduct its

business. The State of New Mexico Economic Development Department is providing funding in order to facilitate repair and expansion to the premises to allow Dean Baldwin to grow its operation and provide additional jobs for the community. Councilor Grant moved to approve to advertise for a public hearing and vote on adopting Proposed Ordinance 17-05 – LEDA Funding Proposed Project Participation Agreement. Councilor Denny was the second. A voice vote was unanimous and the motion passed with Councilor Mackey participating by telephone.

Proposed Ordinance 16-21 – Municipal Court Fines. Mr. Holloman discussed Proposed Ordinance 16-21 – Municipal Court Fines. The City is authorized by statute to collect fines in municipal court for violations of its ordinances in amounts up to \$500. After a review of the existing fine schedule as established in Roswell City Code Section 24-2(a)(1), staff, including Municipal Court Judge Mallion, have determined that the fines listed are significantly below those of other jurisdictions. The ordinance seeks to amend that section to increase certain fines listed there to encourage compliance with the ordinance through higher financial penalties. Councilor Perry moved to approve to advertise for a public hearing and vote on adopting Proposed Ordinance 16-21 – Municipal Court Fines. Councilor Sandoval was the second. A voice vote was unanimous and the motion passed with Councilor Mackey participating by telephone.

Consider direction of acquisition of Memory Lawn Park Cemetery. Mr. Najjar discussed Memory Lawn Park Cemetery stating that the cemetery is under receivership. Attorney at law, Marion Craig, has requested that the City of Roswell take over the cemetery. Councilor Grant moved to direct staff to gather information on Memory Lawn Cemetery. Councilor Denny was the second. A voice vote was 6-4 and the motion passed with Councilors Henderson, Foster, Mackey and Best voting no and Councilor Mackey participating by telephone.

CLOSED SESSION

Councilor Sanchez moved to go into closed session, pursuant to NMSA 1978, § 10-15-1H(7), to discuss materials protected by attorney-client privilege pertaining to threatened or pending litigation in which the City of Roswell may become a participant relating to Roswell International Air Center groundwater and pursuant to NMSA 1978, § 10-15-1H(7), to discuss attorney-client privilege pertaining to a threatened or pending litigation in which the City of Roswell is or may become a participant pertaining to public employee bargaining. Councilor Denny was the second. A roll call vote was as follows: Art Sandoval-yes, Steve Henderson-yes, Jason Perry-yes, Juan Oropesa-yes, Barry Foster-yes, Natasha Mackey-yes, Caleb Grant-yes, Jeanine Best-yes, Savino Sanchez-yes and Tabitha Denny-yes. The roll call vote was 10-0 and the motion passed with Councilor Mackey participating by telephone.

The Council went into closed session at 9:23 p.m.

FOR THE RECORD: Councilor Mackey left the meeting at 9:24 p.m.

Councilor Sanchez stated that for the record the Council was back in open session at 11:08 p.m. and they had a closed session pursuant NMSA 1978, § 10-15-1H(7); to discuss materials protected by attorney-client privilege pertaining to threatened or pending litigation in which the City of Roswell may become a participant relating to Roswell International Air Center groundwater and pursuant to NMSA 1978, § 10-15-1H(7), to discuss attorney-client privilege pertaining to a threatened or pending litigation in which the City of Roswell is or may become a participant pertaining to public employee bargaining. No action was taken and no votes were made.

Consider either accepting or rejecting agreement with Utility Workers Union and, if accepted, provide direction as to funding options. Mr. Holloman stated that the Utility Workers Union had filed a grievance against the City primarily based on the fact that they had not received their step increases for FY2017. The City and the union came up with a settlement agreement which will resolve the grievance that the Utility Workers Union had filed.

Councilor Sanchez moved to accept the Utility Workers Union Agreement. Councilor Denny was the second. A voice vote was unanimous and the motion passed 9-0 with Councilor Mackey being absent.

PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

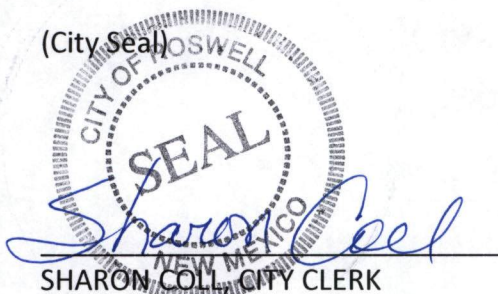
None

ADJOURNMENT

Meeting adjourned at 11:12 p.m.

Approved on this 9th day of March, 2017.

(City Seal)



SHARON COLL, CITY CLERK



DENNIS KINTIGH, MAYOR